



CITY COUNCIL

AGENDA REQUEST

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| AGENDA OF: | 05-21-13 | AGENDA REQUEST NO: | VI-B |
| INITIATED BY: | CATHY HALKA, AICP, SENIOR PLANNER <i>CHH</i> | RESPONSIBLE DEPARTMENT: | TRANSPORTATION & LONG-RANGE PLANNING |
| PRESENTED BY: | CATHY HALKA, AICP, SENIOR PLANNER <i>CHH</i> | DIRECTOR: | PATRICK WALSH, P.E., DIRECTOR OF TRANSPORTATION & LONG-RANGE PLANNING <i>PMW</i> |
| | | ADDITIONAL DIRECTOR (S): | DOUGLAS SCHOMBURG, AICP, DIRECTOR OF PLANNING & CODE SERVICES <i>DS</i> |
| SUBJECT / PROCEEDING: | DEVELOPMENT CODE AMENDMENT FOR SENSITIVE LAND USES IN ZONING DISTRICTS B-1, B-2, B-O, AND M-1 PUBLIC HEARING; FIRST READING OF ORDINANCE NO. 1908 | | |
| EXHIBITS: | USE COMPARISON CHART, PUBLIC HEARING NOTICE, ORDINANCE NO. 1908 | | |
| CLEARANCES | | APPROVAL | |
| LEGAL: | MARY ANNE POWELL CITY ATTORNEY <i>MAP</i> | EXECUTIVE DIRECTOR: | JIM CALLAWAY <i>Jim Callaway</i> |
| PURCHASING: | N/A | ASSISTANT CITY MANAGER: | N/A |
| BUDGET: | N/A | CITY MANAGER: | ALLEN BOGARD <i>Allen Bogard</i> |
| BUDGET | | | |
| EXPENDITURE REQUIRED: \$ | | 0 | |
| CURRENT BUDGET: \$ | | 0 | |
| ADDITIONAL FUNDING: \$ | | 0 | |
| RECOMMENDED ACTION | | | |
| Hold Public Hearing, approve Ordinance No. 1908 on First Reading and pass to Second Reading. | | | |

EXECUTIVE SUMMARY

This is a City-initiated amendment to the Development Code for sensitive land uses in commercial zoning districts including the Business Office (B-O), Neighborhood Business (B-1), General Business (B-2) and Restricted Industrial (M-1) districts. The land uses addressed in this amendment are pawn shops, check cashing, payday/auto title loans, tattoo parlors, and massage parlors.

At the January 22, 2013 City Council meeting, staff reviewed concerns regarding recent permit activity within the standard “B” commercial zoning districts (Neighborhood Business B-1, Business Office B-O, and General Business B-2). While these concerns centered primarily on increases in pawn shop land uses, staff also identified several other uses of some concern. These uses are allowed in some of these districts by right or with some limitations. City Council directed staff to work with the Planning & Zoning Commission to further evaluate the land uses allowed in the “B” Districts and return with recommendations for land use restrictions for those districts.

At the February 12, 2013 Planning and Zoning Commission meeting, staff conducted a workshop on sensitive land uses and the Commission identified four members to serve on a Sensitive Land Uses Subcommittee. The Subcommittee’s assignment was to review the relevant issues and make a recommendation to the full Commission. Commissioners Burnett, Davis, Sanchez, and Weinberg comprised the Subcommittee.

The Subcommittee convened on February 27, 2013 and March 13, 2013, ultimately developing a recommended code amendment. The Planning and Zoning Commission reviewed the results of the Subcommittee at a workshop on March 28, 2013. The Commission came to a consensus on the preferred development code amendment to bring forward for approval. The proposed amendment significantly increases the limitations on where the subject land uses are allowed. In accordance with the Commission’s recommendation, staff drafted a proposed amendment to the City’s Development Code, as shown in the Use Comparison Chart exhibit below.

The Planning and Zoning Commission held a Public Hearing on this item on April 25, 2013 and voted unanimously for a recommendation to City Council to approve the Development Code amendment. These recommendations are reflected in the attached Ordinance No. 1908. Staff also recommends approval of the ordinance.

EXHIBITS

| USE COMPARISON CHART | | |
|---|--|--|
| USE | Current Development Code | P&Z Recommendation (04-25-13) |
| Pawn Shops (Used Merchandise Stores, 5932) | B-1, CUP if > 5K sq. ft. B-2 M-1 | M-1 |
| Check cashing (Functions Closely related to Banking, 6091-6099) | B-O B-2 M-1 | CUP in M-1 |
| Payday loans, auto title loans (Personal Credit Institutions, 6141) | B-O B-2 M-1 | Move to 6099 ↑ requiring CUP in M-1 |
| Tattoo parlors (Miscellaneous Personal Services, 7291-7299) | CUP in B-O CUP in B-1 B-2 | CUP in M-1 |

| | | |
|---|--|-------------------------------------|
| Massage parlors (Miscellaneous Personal Services, 7291-7299) | CUP in B-O CUP in B-1 B-2 | Ancillary Use in B-O B-2 |
| Note: CUP is Conditional Use Permit | | |

NOTICE OF PUBLIC HEARING

PROPOSED AMENDMENTS TO THE CITY OF SUGAR LAND DEVELOPMENT CODE-CHAPTER TWO, ARTICLE II, TO REVISE SEC. 2-55 LAND USE MATRIX FOR SPECIFIC COMMERCIAL USES WITHIN THE BUSINESS OFFICE (B-O), NEIGHBORHOOD BUSINESS (B-1), GENERAL BUSINESS (B-2), AND RESTRICTED INDUSTRIAL (M-1) DISTRICTS

PURPOSE: One (1) public hearing shall be held at which all persons interested in the proposed Code Amendment shall be given an opportunity to be heard

WHERE: CITY OF SUGAR LAND CITY COUNCIL CHAMBER
CITY HALL
2700 TOWN CENTER BOULEVARD NORTH
SUGAR LAND, TEXAS

WHEN: CITY OF SUGAR LAND
CITY COUNCIL MEETING
6:00 P.M., MAY 21, 2013

DETAILS OF THE PROPOSED ZONING AMENDMENT MAY BE OBTAINED BY CONTACTING THE CITY OF SUGAR LAND PLANNING OFFICE AT (281) 275-2218 OR BY EMAIL AT PLANNING@SUGARLANDTX.GOV. THE PLANNING OFFICE IS OPEN MONDAY THROUGH FRIDAY FROM 8:00 O'CLOCK A.M. TO 5:00 O'CLOCK P.M., AND IS LOCATED AT CITY HALL, 2700 TOWN CENTER BOULEVARD NORTH, SUGAR LAND, TEXAS. PLEASE CONTACT THE PLANNING OFFICE IF YOU WISH TO SET UP AN APPOINTMENT TO GO OVER ADDITIONAL DETAILS IN PERSON.

ORDINANCE NO. 1908

AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, AMENDING CHAPTER TWO, ARTICLE II, OF THE DEVELOPMENT CODE BY AMENDING SECTION 2-55 LAND USE MATRIX FOR SPECIFIC COMMERCIAL USES WITHIN THE BUSINESS OFFICE (B-O), NEIGHBORHOOD BUSINESS (B-1), GENERAL BUSINESS (B-2), AND RESTRICTED INDUSTRIAL (M-1) DISTRICTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:

Section 1. That Section 2-55(d) of the Development Code is amended by amending descriptions and notes for Standard Industrial Classification Numbers 5932, 6091-6099, 6141, 7291-7299, and 7991 in the Land Use Matrix to read as follows:

| SIC Group | SIC NO. | Description | B-O | B-1 | B-2 | M-1 | Notes |
|-----------|-----------|--------------------------------------|-----|-----|-----|-----|--|
| 59 | 5932 | Used Merchandise Stores | | X | X | X | C required over 5,000 s.f. in B-1; Antique and book stores only in MUC; Pawn shops in M-1 only. |
| 60 | 6091-6099 | Functions Closely related to Banking | X | | X | X | Check cashing, credit access businesses, and motor vehicle title loans only in M-1 and requires C. |
| 61 | 6141 | Personal Credit Institutions | X | | X | X | See 6099 for credit access businesses and motor vehicle title loans. |
| 72 | 7291-7299 | Miscellaneous Personal Services | C | C | X | X | Tattoo parlors only in M-1 and requires C. See 7991 for massage parlors. |
| 79 | 7991 | Physical Fitness Facilities | A | X | X | | C required over 10,000 s.f. in B-1. Includes massage parlors; except in B-1. |

Section 2. That any person found guilty of violating this ordinance will be fined not more than \$2000.00 for each offense. Notice of the enactment of this ordinance will be given by publishing the ordinance or its descriptive caption and penalty in the City's official newspaper one time within thirty days of passage.

Section 3. That the provisions of this ordinance are severable and the invalidity of any part of this ordinance will not affect the validity of the remainder of the ordinance.

APPROVED on first consideration on _____, 2013.

ADOPTED on second consideration on _____, 2013.

James A. Thompson, Mayor

ATTEST:

Glenda Gundermann, City Secretary

APPROVED AS TO FORM:

M. Howell